UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,575	01/09/2002	Gregory J. Wolff	20412-06364	7975

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EXAMINER
PITARO, RYAN F

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/043,575	WOLFF ET AL.
	Examiner	**Art Unit**	
	Ryan F. Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*01 December 2005*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14-37 and 39-42* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,14-37 and 39-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

This communication is in response to the Amendment filed 12/01/2005. Claims 1-12,14-37,39-42 are pending in the application. Claims 1-12,14-37,39-42 were amended claim 13 has been cancelled.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-3,6-12,14-18,35-37,39 are rejected under 35 U.S.C. 102(e) as being anticipated by Rubin et al ("Rubin", US 2002/0099552).

As per independent claim 1, Rubin discloses an apparatus for direct annotation of objects, the apparatus comprising: a display device for displaying one or more

images (Figure 1 item 107); an audio input device for receiving an audio input (Figure 1 item 118); and a direct annotation creation module coupled to receive an input audio signal from the audio input device and to receive a reference to a location within an image from the display device (Figure 4, [0048] lines 1-6, [0066] lines 1-3), the direct annotation creation module , in response to receiving the input audio signal and the reference to the location within the image (Figure 4), automatically creating an annotation object, independent from the image, that associates the input audio signal with the location (Figure 4), and the direct annotation creation module automatically terminating a recording of the input audio signal based on a predetermined audio level ([0080] lines 1-17).

As per claim 2, which is dependent on claim 1, Rubin discloses the apparatus of claim 1 further comprising an annotation display module coupled to the direct annotation creation module, the annotation display module generating symbols or text representing the annotation objects (Figure 4 item 401).

As per claim 3, which is dependent on claim 1, Rubin discloses an annotation audio output module coupled to the direct annotation creation module, the annotation audio output module generating audio output in response to user selection of an annotation symbol representing an annotation object ([0102] lines 1-25, [0132] lines 1-9).

As per claim 6, which is dependent on claim 1, Rubin discloses the apparatus of claim 1 further comprising a media object cache for storing media and annotation objects ([0046] –[0048]).

As per independent claim 7, Rubin discloses an apparatus for use with a system for storing, accessing, and presenting objects such as video objects, text objects, audio objects, or image objects, direct annotation of objects, the apparatus comprising: a direct annotation creation module coupled to receive an input audio signal and reference to a location within an image (Figure 4, [0048] lines1-6, [0066] lines 1-3), the direct annotation creation module, in response to receiving the input audio signal or the reference to the location within the image, automatically creating an annotation object, independent of the image, that associates a symbol or text with the location ([0123]-[0132]), and the direct annotation creation module automatically terminating a recording of the input audio signal based on a predetermined audio level; ([0080] lines 1-17); and an annotation display module coupled to the direct annotation creation module (Figure 4), the annotation display module generating the symbol or text representing the annotation object on a display device (Figure 4 item 401).

As per independent claim 8, Rubin discloses an apparatus for direct annotation of objects for use with a system for storing, accessing, and presenting objects such as video objects, text objects, audio objects, or image objects, the apparatus comprising: a direct annotation creation module coupled to receive an input audio signal and a reference to a location within an image (Figure 4, [0048] lines 1-6, [0066] lines 1-3), the direct annotation creation module, in response to receiving the input audio signal or the reference to the location within the image, automatically creating an annotation object, independent of the image (Figure 4, [0123] – [0132]), that associates the input audio signal and the location, and the direct annotation creation module automatically

terminating a recording of the input audio signal based on a predetermined audio level ([0080] lines 1-17), the annotation object including at least an audio input field, an image reference field, and an annotation location field ([0046] – [0049]), the annotation audio output module coupled to the direct annotation creation module, the annotation audio output module generating audio output in response to user selection of an annotation symbol representing the annotation object ([0102] lines 1-25, [0132] lines 1-9).

As per independent claim 9, Rubin discloses an apparatus for direct annotation of objects, the apparatus comprising: a media object storage for storing media and annotation objects ([0046] –[0048]); and a direct annotation creation module coupled to receive an input audio signal and a reference to a location within an image (Figure 4, [0048] lines1-6, [0066] lines 1-3), the direct annotation creation module in response to receiving the input audio signal or the reference to the location within the image automatically creating an annotation object, independent of the image (Figure 4, [0123] – [0132]), that associates the input audio signal and the location, and the direct annotation creation module automatically terminating a recording of the input audio signal based on a predetermined audio level ([0080] lines 1-17), and the direct annotation creation module storing the audio annotation in the media object storage ([0046] –[0048]).

As per independent claim 10, Rubin discloses a computer implemented method for direct annotation of objects, the method comprising the steps of: displaying an image (Figure 4, [0028]); receiving audio input ([0129]); detecting selection of a location within the image ([0127]-[0128]); and creating an annotation object, independent of the

selected image, between the selected location and the audio input ([0128]), the

annotation object including at least an audio input field, an image reference field, and an

annotation location field ([0046]-[0049]), the creating step occurring automatically in

response to the receiving or detecting steps ([0129]), and including automatically

terminating a recording of the audio input based on a predetermined audio level ([0080]

lines 1-17).

As per claim 11, which is dependent on claim 10, Rubin discloses a method

where the step of displaying is performed before or simultaneously with the step of

receiving ([0127] –[0129]).

As per claim 12, which is dependent on claim 10, Rubin discloses a method

wherein the step of receiving is performed before or simultaneously with the step of

displaying ([0101]).

As per claim 14, which is dependent on claim 10, Rubin teaches a method further

comprising the step of displaying a visual notation that the image has an annotation

(Figure 4 item 401).

As per claim 15, which is dependent on claim 14, Rubin teaches the visual

notation being text or a symbol (Figure 4 item 401).

As per claim 16, which is dependent on claim 10, Rubin discloses a method

wherein the step of creating an annotation includes creating an annotation object and

storing the annotation object in an object storage ([0046]-[0049]).

As per claim 17, which is dependent on claim 10, Rubin discloses a method

further comprising the step of recording the audio input received ([0041] lines 1-23).

As per claim 18, which is dependent on claim 17, Rubin discloses a method

wherein the step of creating an annotation includes creating an annotation object and

storing the recorded audio input as part of the annotation object ([0046]-[0049]).

As per independent claim 35, Rubin discloses a computer implemented method

for displaying objects with annotations, the method comprising the steps of: retrieving

an image (Figure 4); displaying the image with a visual notation that an annotation

exists (Figure 4 item 401); receiving user selection of the visual notation ([0086] lines 1-

15, [102] lines 1-25); generating the annotation automatically, in response to user input

of a location within the image and an audio input, including automatically terminating a

recording of the audio based on a predetermined audio level and outputting the

annotation associated with the selected visual notation ([0080] lines 1-17, [0086] lines 1-

15) determining whether the annotation includes text; retrieving a text annotation for the

selected visual notation; and displaying the retrieved text with the image ([0086] lines 1-

15).

As per claim 36, which is dependent on claim 35, Rubin discloses a method

wherein the annotation is text and the step of outputting is displaying the text proximate

the image that it annotates ([0086] lines 1-15).

As per claim 37, which is dependent on claim 35, Rubin discloses a method

wherein the annotation is an audio signal and the step of outputting is playing the audio

signal ([0086] lines 1-15).

As per claim 39, which is dependent on claim 35, Rubin discloses a method

further comprising the steps of: determining whether the annotation includes an audio

signal; retrieving a audio signal for the selected image; and wherein the step of

outputting is playing the audio signal ([0086] lines 1-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 4,5,19-34,40-42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rubin et al ("Rubin", US 2002/0099552) in view of Mitchell et al

("Mitchell", US 5,857,099).

As per claim 4, which is dependent on claim 1, Rubin fails to distinctly point out

details of the audio voice recognition technology. However, Mitchell discloses the

apparatus of claim 1 further comprising: an audio vocabulary storage for storing a

plurality of audio signals and corresponding text strings (Mitchell, Figure 2 item 20); an

audio vocabulary comparison module coupled to the audio input device (Anderson,

Column 5 lines 25-65), the audio vocabulary storage and the direct annotation creation

module, the audio vocabulary comparison module receiving audio input and finding a

corresponding text string that matches the audio input (Column 5 lines 25-65); and

wherein the direct annotation creation module uses text strings found by the audio

vocabulary comparison module to create the audio annotation (Column 5 lines 25-65).

Therefore it would have been obvious to an artisan at the time of the invention to

combine the vocabulary-based audio conversion of Mitchell with the system of Rubin.

Motivation to do so would have been to provide a convenient way to convert voice to

text (Rubin, [0097] lines 1-9).

As per claim 5, which is dependent on claim 1, Rubin-Mitchell discloses the

apparatus further comprising: an audio vocabulary storage for storing a plurality of audio

signals and corresponding text strings (Mitchell, Figure 1 item 20); a dynamic

vocabulary updating module coupled to the audio vocabulary storage and the audio

input device (Mitchell, Column 5 lines 25-65), the dynamic vocabulary updating module

for displaying an interface to create a new entry in the audio vocabulary storage

(Mitchell, Column 5 lines 25-65), the dynamic vocabulary updating module receiving an

audio input and a text string and creating the new entry in the audio vocabulary storage

(Mitchell, Column 5 lines 25-65, Column 9 lines 45-56).

As per claim 19, which is dependent on claim 10, Rubin-Mitchell discloses a

method, further comprising the step of comparing the audio input to a vocabulary to

produce text (Mitchell, Column 5 lines 25-65).

As per claim 20, which is dependent on claim 19, Rubin-Mitchell discloses a

method, wherein the step of creating an annotation includes creating an annotation

object and storing the text as part of the annotation object (Rubin, [0097] lines 1-9).

As per claim 21, which is dependent on claim 10, Rubin-Mitchell discloses a method further comprising the steps of comparing the audio input to a vocabulary (Mitchell, Column 5 lines 25-65); determining if the audio input has a matching entry in the vocabulary (Mitchell, Column 5 lines 25-65); and storing the entry as part of the annotation object if the audio input has a matching entry in the vocabulary (Rubin, [0097] lines 1-9).

As per claim 22, which is dependent on claim 21, Rubin-Mitchell discloses a method further comprising the steps of: determining if the audio input has a close match in the vocabulary; displaying the close matches; receiving input selecting a close match (Mitchell, Column 9 lines 45-56); and storing the selected close match as part of the annotation object if the audio input has a close match in the vocabulary (Mitchell, Column 9 lines 45-65).

As per claim 23, which is dependent on claim 22, Rubin-Mitchell discloses the method, further comprising the step of displaying a message that the image has not been annotated if there is neither a matching entry in the vocabulary nor a close match in the vocabulary (Mitchell, Column 9 lines 45-56).

As per claim 24, which is dependent on claim 22, Rubin-Mitchell discloses a method, further comprising the following steps if there is neither a matching entry in the vocabulary nor a close match in the vocabulary: receiving text input corresponding to the audio input; updating the vocabulary with a new entry including the audio input and the text input (Mitchell, Column 9 lines 45-56); and wherein the received text is stored as part of the annotation object (Rubin, [0097] lines 1-9).

As per claim 25, which is dependent on claim 10, Rubin-Mitchell discloses a method, further comprising the steps of: receiving text input corresponding to the audio input (Mitchell, Column 9 lines 45-56); updating the vocabulary with a new entry including the audio input and the text input (Rubin, [0097] lines 1-9).

As per claim 26, Rubin-Mitchell discloses a method for direct annotation of objects, the method comprising the steps of: displaying an image (Rubin, Figure 4); receiving audio input (Rubin, [0041] lines 1-23); detecting selection of a location within the image (Rubin, [0086] –[0087]); comparing the audio input to a vocabulary to produce text (Mitchell, Column 5 lines 25-65); and creating an annotation between the selected image and the text (Rubin, [0097] lines 1-9).

As per claim 27, which is dependent on claim 26, Rubin-Mitchell discloses further comprising the step of recording the audio input received (Rubin, [0041] lines 1-23).

As per claim 28, which is dependent on claim 27, Rubin-Mitchell discloses the method, wherein the step of creating an annotation includes creating an annotation object including a reference to the selected image, the recorded audio input and the text (Rubin, [0086] –[0087]), and storing the annotation object in an object storage (Rubin, [0046] –[0049]).

As per claim 29, which is dependent on claim 26, Rubin-Mitchell discloses the method, wherein the step of creating an annotation includes creating an annotation object and storing the text as part of the annotation object (Rubin, [0086] –[0087]).

As per claim 30, which is dependent on claim 26, Rubin-Mitchell discloses a method further comprising the steps of determining if the audio input has a matching

entry in the vocabulary (Mitchell, Column 5 lines 25-65); and storing the entry as part of

the annotation object if the audio input has a matching entry in the vocabulary (Rubin,

[0046] –[0049]).

As per claim 31, which is dependent on claim 29, Rubin-Mitchell discloses a

method, further comprising the steps of: determining if the audio input has a close

match in the vocabulary; displaying the close matches; receiving input selecting a close

match (Mitchell, Column 9 lines 45-65); and storing the selected close match as part of

the annotation object if the audio input has a close match in the vocabulary (Mitchell,

Column 9 lines 45-65).

As per claim 32, which is dependent on claim 30, Rubin-Mitchell discloses the

method, further comprising the step of displaying a message that the image has not

been annotated if there is neither a matching entry in the vocabulary nor a close match

in the vocabulary (Mitchell, Column 9 lines 45-56).

As per claim 33, which is dependent on claim 30, Rubin-Mitchell discloses a

method, further comprising the following steps if there is neither a matching entry in the

vocabulary nor a close match in the vocabulary: receiving text input corresponding to

the audio input (Mitchell, Column 9 lines 45-56); updating the vocabulary with a new

entry including the audio input and the text input (Mitchell, Column 5 lines 25-65,

Column 9 lines 45-65); and wherein the received text is stored as part of the annotation

object (Rubin, [0046] –[0049]).

As per claim 34, which is dependent on claim 26, Rubin-Mitchell discloses a

method, further comprising the steps of: receiving text input corresponding to the audio

input (Mitchell, Column 9 lines 45-56); updating the vocabulary with a new entry

including the audio input and the text input (Mitchell, Column 5 lines 25-65, Column 9

lines 45-65).

As per independent claim 40, Rubin-Mitchell discloses a method for retrieving

images, the method comprising the steps of: receiving audio input (Rubin, [0096] –

[0099]); determining annotation objects that reference a close match to the audio input

(Rubin, [0096] –[0099]); retrieving the images that are referenced by the determined

annotation objects (Rubin, [0096] –[0099]); and displaying the retrieved images (Rubin,

[0096] –[0099]).

As per claim 41, which is dependent on claim 40, Rubin-Mitchell discloses a

method wherein the step of determining annotation objects further comprising the steps

of: comparing the audio input to an audio signal reference by an annotation object

(Column 5 lines 30-35); and determining a close match between the audio input to the

audio signal reference by an annotation object if a probability metric is greater than an a

threshold (Column 5 lines 35-38). Rubin-Mitchell fails to disclose a threshold of 80%.

However, Official Notice is taken that a threshold of 80% is well known in the art, 80% is

not a definitive threshold, and could be replaced by any other value. Therefore it would

have been obvious to combine the method of Rubin-Mitchell with the current teaching.

Motivation to do so would have been to provide a standard of matching.

As per claim 42, which is dependent on claim 40, Rubin-Mitchell discloses a

method wherein the step of determining annotation objects further comprising the steps

of: determining the annotation objects for a plurality of images; for each annotation

object, comparing the audio input to an audio signal reference by an annotation object (Column 5 lines 30-35); and determining a close match between the audio input to the audio signal reference by an annotation object if a probability metric is greater than an a threshold (Column 5 lines 35-38). Rubin-Mitchell fails to disclose a threshold of 80%. However, Official Notice is taken that a threshold of 80% is well known in the art, 80% is not a definitive threshold, and could be replaced by any other value. Therefore it would have been obvious to combine the method of Rubin-Mitchell with the current teaching. Motivation to do so would have been to provide a standard of matching.

Response to Arguments

Applicant's arguments with respect to claims 1-12,14-37, and 39-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-

4071. The examiner can normally be reached on 7:00am - 4:30pm M-Th, and

alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

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Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro
Patent Examiner
Art Unit 2174

RFP

Kristine Kincaid

KRISTINE KINCAID
SUPERVISORY PATENT ....
TECHNOLOGY CENTER 21??